

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume I

First Regular Session

December 4, 1996 - March 27, 1997

First Special Session

March 27, 1997 - May 15, 1997

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
FIRST SPECIAL SESSION
15th Legislative Day
Tuesday, April 29, 1997

The House met according to adjournment and was called to order by the Speaker.

Prayer by Honorable Judith A. Powers, Rockport.
National Anthem by Ashland Community High School Band.
Pledge of Allegiance.
Doctor of the day, Erik Steele, D.O., Bangor.
The Journal of yesterday was read and approved.

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Resolve, Authorizing the Theta Chi Building Association to File with the Secretary of State as a Nonprofit Corporation (S.P. 145) (L.D. 424) has had the same under consideration, and asks leave to report:

That the House recede and concur with the Senate.

Signed

Representatives: TRUE of Fryeburg
MAYO of Bath

Senators: DAGGETT of Kennebec
TREAT of Kennebec
FERGUSON of Oxford

Was read by the Clerk and accepted.

Subsequently, the House voted to Recede and Concur.

SENATE PAPERS

Bill "An Act to Reimburse Law Enforcement Agencies for Their Costs Related to the Prosecution of Criminal and Traffic Violations" (S.P. 436) (L.D. 1382)

Came from the Senate, referred to the Committee on **Transportation** and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on **Criminal Justice**.)

Was referred to the Committee on **Transportation** in concurrence.

Ought to Pass as Amended

Report of the Committee on **Banking and Insurance** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-120) on Bill "An Act to Provide for International Banking in the State and Enhanced Enforcement Authority over Financial Institution Holding Companies" (S.P. 341) (L.D. 1119)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-120) and Senate Amendment "A" (S-143).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-120) was read by the Clerk and adopted. Senate Amendment "A" (S-143) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, April 30, 1997.

Non-Concurrent Matter

Bill "An Act to Authorize a Police Officer to Impound the Motor Vehicle of a Person Arrested for Operating Under the Influence or Driving with a Suspended or Revoked License" (S.P.

496) (L.D. 1527) which was referred to the Committee on **Legal and Veterans Affairs** in the House on March 19, 1997.

Came from the Senate with that Body having adhered to its former action whereby the Bill was referred to the Committee on **Criminal Justice** in non-concurrence.

The House voted to Recede and Concur.

COMMUNICATIONS

The following Communication: (S.P. 629)

118TH MAINE LEGISLATURE

April 22, 1997

Senator Richard J. Carey
Representative Kyle Jones
Chairpersons

Joint Standing Committee on Utilities and Energy
118th Legislature
Augusta, Maine 04333

Dear Senator Carey and Representative Jones:

Please be advised that Governor Angus S. King, Jr. has nominated William M. Nugent of Yarmouth for reappointment as a Commissioner for the Public Utilities Commission.

Pursuant to Title 35-A, MRSA Section 105, this nomination will require review by the Joint Standing Committee on Utilities and Energy and confirmation by the Senate.

Sincerely,
S/Mark W. Lawrence
President of the Senate
S/Elizabeth H. Mitchell
Speaker of the House

Came from the Senate, read and referred to the Committee on **Utilities and Energy**.

Was read and referred to the Committee on **Utilities and Energy** in concurrence.

The following Communication: (S.P. 630)

118th Maine Legislature

April 22, 1997

Senator Sharon A. Treat
Representative G. Steven Rowe
Chairpersons

Joint Standing Committee on Natural Resources
118th Legislature
Augusta, Maine 04333

Dear Senator Treat and Representative Rowe:

Please be advised that Governor Angus S. King, Jr. has nominated Cheryl A. Bascomb of New Gloucester and Andrew A. Cadot of Freeport for appointment as members of the Board of Environmental Protection.

Pursuant to Title 38, MRSA Section 341-C, these nominations will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Sincerely,
S/Mark W. Lawrence
President of the Senate
S/Elizabeth H. Mitchell
Speaker of the House

Came from the Senate, read and referred to the Committee on **Natural Resources**.

Was read and referred to the Committee on **Natural Resources** in concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Southern Maine Technical College, in South Portland, on the special occasion of its 50th Anniversary. The college is the 3rd-largest institution of higher learning in Maine and began as a 4-program offering for 80 service people returning from World War II. It now has 30 programs that serve more than 2,400 regular students and 5,000 students in continuing education. We extend our congratulations and best wishes for continued excellence and success; (HLS 345) by Representative CIANCHETTE of South Portland. (Cosponsors: Senator AMERO of Cumberland, Representative MARVIN of Cape Elizabeth, Representative MORGAN of South Portland, Representative MUSE of South Portland)

On objection of Representative CIANCHETTE of South Portland, was removed from the Special Sentiment Calendar.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Cianchette.

Representative CIANCHETTE: Madam Speaker, Ladies and Gentlemen of the House. Fifty years ago, a small group of GIs returning from World War II enrolled in the state's first post-secondary training facility, which had just been established in Augusta by the Maine Legislature. It was called the Maine Vocational Technical Institute and its classes were held in a small building on Vickery Hill, here in Augusta, just a short distance from the Capital. This year, more than 2,400 students, of all ages and backgrounds, will attend the educational facility. Now, however, it is called Southern Maine Technical College. It's campus overlooks Casco Bay on beautiful and historic Spring Point, the site of the former Fort Preble.

Southern Maine Technical College is the largest and the oldest of the state's seven technical colleges offering more than 30 programs of study leading to the certificate, diploma and associate degree. Ninety-eight percent of SMTC's graduates go on to work in Maine, in every sector of our state's economy, from manufacturing to tourism to health care. In addition to its 2,400 full- and part-time students, SMTC's division of continuing education currently serves 5,000 other people from the local community through the credit and noncredit courses and customize training programs. Each year dozens of area businesses look to SMTC to help them keep their employees skills up-to-date in an ever changing economy.

SMTC's campus, once on a rundown decommissioned fort surrounded by metal fencing, is now a 60 acre oceanside jewel in South Portland, with nearly 40 buildings housing classrooms, laboratories, a student center, dormitories and offices. There is also an onsite childcare facility as well as a beautiful waterfront inn and conference center serving as a working laboratory for students. As the third largest higher education institute in the State of Maine, SMTC is extremely proud of its rich and historic heritage. I am honored to represent the district that houses this important asset. Please join me in congratulating Southern Maine Technical College for its 50 years of outstanding service to the people of the State of Maine. Thank you.

Was read and passed and sent up for concurrence.

Representative Arthur Mayo, of Bath, who has been named Legislator of the Year by the Maine Chapter of the National Association of Social Workers for his commitment to the Social Work profession, to the clients they serve and to the people of the State of Maine. We extend our congratulations to him; (HLS 351) by Representative SAXL of Portland. (Cosponsor: Senator SMALL of Sagadahoc)

On objection of Representative SAXL of Portland, was removed from the Special Sentiment Calendar.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Saxl.

Representative SAXL: Madam Speaker, Men and Women of the House. It gives me great pleasure today to stand in recognition of my good friend, the Representative from Bath, Representative Mayo, who has always fought for people with special needs and people with mental health needs and in fighting for access to mental health services from social workers and other mental health professionals. I can think of no other member in this chamber that deserves such a special recognition and I congratulate him on becoming Legislator of the Year.

Was read and passed and sent up for concurrence.

Tim Tweedie, of Blaine, who was elected Governor at the Model State Legislature. Mr. Tweedie will represent Maine at this summer's national convention in Washington, D.C. Mr. Tweedie is a junior at Central Aroostook High School. We extend our congratulations and best wishes; (HLS 359) by Representative KNEELAND of Easton. (Cosponsor: Senator PARADIS of Aroostook)

On objection of Representative DONNELLY of Presque Isle, was removed from the Special Sentiment Calendar.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. We have joining us here today, well we normally have a formal ceremony when we have a Governor join us in the well of the House. We have Tim Tweedie paging here for us today. Tim has done an excellent job of representing central Aroostook and Aroostook County on Aroostook County Day. Governor's know how to pick their timing I guess. I just wanted to make sure that we took the opportunity to recognize Tim, a current and future leader of Maine.

Was read and passed and sent up for concurrence.

Donna Bell Lisnik, who was selected by the National Science Foundation as a Presidential Awardee for excellence in Mathematics and Science teaching; (HLS 360) by Representative DESMOND of Mapleton. (Cosponsors: Representative DONNELLY of Presque Isle, Senator KIEFFER of Aroostook, Representative WHEELER of Bridgewater)

On objection of Representative DONNELLY of Presque Isle, was removed from the Special Sentiment Calendar.

On motion of the same Representative, tabled pending passage and later today assigned.

REPORTS OF COMMITTEES

Refer to the Committee on Transportation Pursuant to Joint Order (H.P. 148)

Representative KERR from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$40,500,000 to Match Available Federal Funds for Improvements to Municipal and State Roads and State and Local Bridges" (H.P. 1299) (L.D. 1842) reporting that it be referred to the Committee on Transportation pursuant to Joint Order (H.P. 148).

Report was read and accepted and the Bill referred to the Committee on Transportation and sent up for concurrence.

Divided Report

Majority Report of the Committee on **Banking and Insurance** reporting "**Ought Not to Pass**" on Bill "An Act to Amend the Process of Competitive Bidding for Insurance by School Boards" (H.P. 296) (L.D. 360)

Signed:

Senators: LaFOUNTAIN of York
MURRAY of Penobscot
ABROMSON of Cumberland

Representatives: PERRY of Bangor
DAVIDSON of Brunswick
CARLETON of Wells
SAXL of Bangor
WINN of Glenburn
O'NEIL of Saco
BRUNO of Raymond
STANLEY of Medway
JONES of Pittsfield

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-235) on same Bill.

Signed:

Representative: MAYO of Bath

Was read.

On motion of Representative SAXL of Bangor the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on **State and Local Government** reporting "**Ought Not to Pass**" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Ensure that the Composition of the Legislature Reflects the Socio-economic Makeup of the Population of the State (H.P. 356) (L.D. 479)

Signed:

Senators: NUTTING of Androscoggin
GOLDTHWAIT of Hancock
LIBBY of York

Representatives: AHEARNE of Madawaska
FISK of Falmouth
BAGLEY of Machias
BUMPS of China
GIERINGER of Portland
KASPRZAK of Newport
SANBORN of Alton
DUTREMBLE of Biddeford

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-231) on same RESOLUTION.

Signed:

Representatives: GERRY of Auburn
LEMKE of Westbrook

Was read.

Representative AHEARNE of Madawaska moved that the House accept the Majority "**Ought Not to Pass**" Report.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Thank Madam Speaker, Men and Women of the House. I see my good friend, the Representative from Westbrook, Representative Lemke has abandoned me. This is a particularly good bill, it's going to take awhile to sink in apparently, how important this is. Unless you have the full text in front of you, the headlines here only say part of it. The way it's

worded is that it's the desire of the people of the State of Maine that the make up of the Legislature shall reflect the social-economic and occupational background of the population as a whole. I think this is extremely important because I think this is what the people expect. They kind of guess that we are all lawyers over here if you ask them on the street, which is true that only seven in the House. If you ask them what they'd like it to be they would say, well, it ought to be like the population.

We talk a lot about small business being the engine of the economics of Maine, but I did a little survey. It's a little rough, probably within ten percent of the make up of accuracy in the House and small business people here in the House and self-employed, which a vast majority of the people in the population as a whole, only about forty out of one hundred and fifty one, about forty as far as I can tell. There are more people from the government sector in the House here, no offense to my friends, there are fifty about from the government sector with a career in the government sector there are about fifty.

The first question, people ask me about this, is how would you enforce it. Or it's unconstitutional because you can't tell people who to vote for. Neither one of those are pertinent. The bill doesn't, first of all, talk about who can vote for, the second part, if you read the bill, it says that pay and benefits shall be sufficient to ensure equal opportunity, equal access to serving in the Legislature, equal access. So we are not talking about who can vote for, we are just talking about public policy that makes it such that the legislative make up is skewed toward government and big business, people who give their people leaves of absence. The small business people can't shut down and come over here for a year. This bill, if it doesn't bother you that there are more people from government in the legislature than from private sector, small business and self employed that is, then this bill isn't for you. We're getting close to becoming a government by the government and that bothers me and I hope it bothers you. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Thank you Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This does not direct anyone to do anything in this piece of legislation. It sets up a goal that does very little on how to implement this. I believe this legislature does accurately and each year reflects what the socio-economic background of the people of this State is or members wouldn't be elected to this body. I don't see how you would determine who would be elected how you would do this would, ten dentists be admitted into this chamber or the other body or ten members of schools, it doesn't make sense to me and placing this into the Constitution, I don't think is necessary, and to carry out this piece of legislation would be a nightmare almost to be impossible. So I hope you would join me in accepting the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Thank you Madam Speaker, Men and Women of the House. I tend to agree with points made by both parties on this. When Representative Perkins brought this before the Committee I thought it was something worth discussion on the floor because it was within the context of a whole number of bills to limit, in various ways, the compensation of legislators, whether dealing with meals or whatever else. And I thought that the bill presented by Representative Perkins, while admittedly flawed, and I have real questions on how it could be implemented. Nevertheless, it did raise a major point. I think our legislature is more representative than most, on the other hand, I have to say that there are limitations. It's very hard for many of us to be here. For those who are on the lower wage scale it is

almost impossible or prohibitive for them to afford to either run for election or serve in the House of Representatives or Senate and we should be looking at those type of issues. This may not be the vehicle, but the whole issue of legislative compensation is something we tend to be timid about and when ruckus is raised about sort of marginal issues, like the meals, we tend to run for cover. Well, we do a hard job in here and we should be compensated adequately for it and Representative Perkins' bill at least gets to the core of that issue. So I said in committee anyone who had the courage to stand up in the House and say that we're not overly representative deserves to at least be able to say that on the floor.

So, having said that, let your conscience be your guide on this particular vote, but I hope in the future we'll look directly at the issue of legislative compensation and not look at little bills here and there. Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Thank you Madam Speaker, Men and Women of the House. I just want to comment on one point that was made. The question keeps coming up, how on earth would you implement this? It might be a nightmare to implement. The Constitution my friends is not meant, you don't explain how your going to implement peoples' heartfelt desires and their beliefs. This is a statement of what the people expect and want in the Legislature. Look at the US Constitution look at the Bill of Rights, especially look at terms like due process, equal protection under the law, these things are specified how you would enforce them, these are beliefs of the people. Thank you.

The Chair ordered a division on the motion to accept the Majority "**Ought Not to Pass**" Report.

A vote of the House was taken. 96 voted in favor of the same and 19 against, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on **Taxation** reporting "**Ought Not to Pass**" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Vote of 3/5 of Each House of the Legislature to Enact or Increase a Tax or License Fee (H.P. 357) (L.D. 480)

Signed:

Senators: RUHLIN of Penobscot

DAGGETT of Kennebec

Representatives: TRIPP of Topsham

GREEN of Monmouth

ROWE of Portland

GAGNON of Waterville

MORGAN of South Portland

TUTTLE of Sanford

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-221) on same RESOLUTION.

Signed:

Senator: MILLS of Somerset

Representatives: LEMONT of Kittery

BUCK of Yarmouth

CIANCHETTE of South Portland

SPEAR of Nobleboro

Was read.

Representative TRIPP of Topsham moved that the House accept the Majority "**Ought Not to Pass**" Report.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tripp.

Representative TRIPP: Thank you Madam Speaker, Men and Women of the House. This proposes an amendment to the Constitution of Maine to require approval of two-thirds of each House of the Legislature to enact or increase taxes or license fees except when inadequate funds have been appropriated for debt payment. The committee discussed this bill and the majority of the committee feels that this bill is not necessary to be part of the Constitution. It would have to go out to referendum and the costs could be as high as \$95,000. In testimony on this bill the sponsor was the only one to present testimony before the committee. Thank you.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Thank Madam Speaker, Ladies and Gentleman of the House. I would urge you to vote against the "**Ought Not to Pass**" Report so we can go on and pass the Minority Report.

Ladies and Gentleman, taxes as you know, are a high priority item of the topics being discussed here in the State of Maine right now. Nationwide twelve states that have the constitutional amendment to have a three-fifths vote to enact a tax on their people and those states have seen lower taxes, they've seen their spending increases decrease. They've seen faster economic and job growth. That's what those twelve states have seen. I think the people here in Maine would like a little say if we have tax increases here in this state. Even some states even let their people vote on it. We are not asking here to let our people vote on it, we are just saying that we should deliberate on this process, slow it down and at least when we take a major step to increase taxes, at least to get a three-fifths vote among both Houses here in the State Capitol.

At the hearing, we had testimony from different people and I know the National Federation of Independent Businesses spoke and, of that sixty-five hundred members, they did a survey and out of that survey eighty-seven percent said that they would like to see a three-fifths vote amongst the Houses and only seven percent said that they were undecided. Nobody was really against it. If we could defeat this motion, and people are concerned about the fee part of this bill, an amendment to the Minority Report would take the fees out and we are only addressing the tax issue. So, I would highly urge you people, in thinking about the people of the State of Maine and how important taxes are, that we give this full consideration and defeat the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Cianchette.

Representative CIANCHETTE: Madam Speaker, Ladies and Gentlemen of the House. I rise this morning to urge you to defeat the pending motion so that we can go on to support the Minority Report proposing a Constitutional Amendment requiring that new or increased state taxes be approved by a three-fifths vote in both chambers of the Legislature.

This bill increases the support needed in the Legislature from a simple majority, fifty percent plus one to sixty percent. Requiring sixty percent of both bodies to vote affirmatively, to raising taxes, is not drastic and does not emasculate the earned authority of a controlling party. Personally, I fail to see how a higher level of consensus can at all be detrimental to our system of government and, more precisely, to providing and paying for state services. We must remember, at all times, that we are collecting money from the public and that gaining approval from sixty percent of the elected bodies seems entirely appropriate in deciding how much money we are going to extract from one hundred percent of the taxpayers.

As we just heard from Representative Spear, a recent survey of the National Federation of Independent Business and a survey

of Maine small business owners representing the backbone of our economy, when they were polled, agreed that a three-fifths or higher majority should be required to approve new or increased taxes. In discussions with my constituents, I have concluded that they too agree that it is too easy for the Legislature to increase their taxes.

To date, some twelve states have a super majority requirement. These states have seen lower taxes and spending increases and faster job and economic growth than they had prior to this requirement, having this requirement in their states. Citizens in some states have also gained the right to vote on tax increases. In fact, over half of the states, thirty states to be exact, now have some sort of limitation on state revenues or expenditures. As you know, our State is not among any of these.

Recent history will remind us that each time we have entered into a budget crunch, or squeeze, it has invariably led to new or higher taxes. I believe that we, as Legislators, will have the proper tool in a super majority vote requirement to say no to spending, requests for spending that while may be worthy simply raise the cost of state government beyond the total burden that taxpayers can or should have to bear. I also believe that if our total tax burden continues to escalate that we face the potential of nothing short of an all out taxpayers' revolt.

Lets impose new restrictions on tax increases and show the citizens of our State how seriously we take this matter and to begin to improve the confidence all Mainers have in us. I urge you to vote against this pending motion. Let's send this to the voters for them to be heard and for them to decide. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Thank you Madam Speaker, Men and Women of the House. I'm not going to speak either for or against this but I think there's a technical point. When the good Representative from Topsham spoke against it I'm sure he made a mistake when he said two-thirds. As I read the bill in front of me it's three-fifths. Now obviously, my fractions aren't that good, but obviously we are talking of a difference of one hundred and one, and I would say under this, ninety votes. I think that's about it and if we pass by a majority we are talking seventy six odd votes. So what we're really talking about, all the sound and fury is a difference of fourteen votes by my math. I don't know if that helps anybody with any of this but I think it may clarify what we're debating.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Gamache.

Representative GAMACHE: Thank Madam Speaker, Men and Women of the House. This bill is a terrible idea. The founding fathers gave long and serious thought to balancing the power of the Legislature. They found that majority rule was the best idea and that super majority should be limited to very limited use, such as adopting treaties and certain other things.

Now, this bill will, in affect, do away with majority rule on matters of deep importance, financial matters and, substitute for it instead, minority rule. I would remind those of you who were around what minority rule did four years ago in this body when we were wrestling with the labor bills. It's something of a real concern and I hope that you will vote realizing that this is a drastic and, most unfortunate, step that is being suggested to you. Thank you.

Representative SPEAR of Nobleboro requested a roll call on the motion to accept the Majority "**Ought Not to Pass**" Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Thank you Madam Speaker, Ladies and Gentlemen of the House. There are just three statistics I'd like to present to you concerning this bill and why I'd urge you to defeat the pending motion. Much has been said from several speakers here about the states that have indeed implemented this legislation. Those that have for the period of 1980 to 1992, have found that smaller overall increases in tax revenues has resulted because of this legislation. Now tax increases have taken place in those states, but those states that have the super majority requirement have seen significant decreases in the amount of revenues that have been put through the majority of both houses. In addition to that, national statistics show that states that have implemented this legislation have found that those states that don't have job growth has increased by twenty six percent over the states that do not have that requirement.

Finally, let me say that in terms of Maine, I think it's very important that we consider this. When you look at the record of this Legislature for the last decade, you'll notice that we have made promises to the people that we have not kept. We, for example, in the early nineties increased our sales tax by twenty percent raising it from five to six percent and told the people of Maine that we would in the following year reduce it and we never have. In addition to that, more recently, we have as a matter of tax policy, implemented an income tax cut last session and this session we turned around and repealed it. Now there's something to be said for tax stability when you're trying to promote economic development in this State, and the record of this Legislature doesn't prove that out. It seems to me that, as a Legislature, we don't have the discipline to do those sorts of things. So by requiring a super majority maybe we'll have the self-imposed discipline that we presently don't have.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Thank you Madam Speaker, Men and Women of the House. I stand in support of the pending motion, the "Ought Not to Pass" Report. I just wanted to respond to a couple of things. You heard about several states that have super majority requirements to increase taxes. As I count only two of these states are east of the Mississippi, that's Delaware and the State of Mississippi. We heard about the great economic climate in these states I'm looking at some of these states I know these states Mississippi, Oklahoma, Arkansas. These states do not all enjoy great economic climates. Sure, people are going to like it if we require super majority, if you don't like taxes you're going to like it that it's harder to pass taxes. I think the individuals in here take their responsibilities seriously. We just heard about a bill that dealt with the socio-economic make-up of the Legislature. I believe a majority of us, a super majority of us, thought that this body currently reflects the socio-economic make-up of the State of Maine. For that reason, I believe that a majority vote is certainly adequate. If this bill were to pass it would take forty percent plus one, forty one percent of those individuals elected could stop any action to pass any tax. I know there's an amendment by the majority, the original bill dealt with taxes and license fees so that would prohibit anybody through rulemaking, any Commissioner to increase any fee through rulemaking, even though the Legislature had given prior authority to the Commissioner to do that.

The problem I have with this bill, also, I hear many people say a fee is a tax, any fee is a tax. Well, if that's the case, then I'm suggesting you can not differentiate fees from taxes and if this were to pass, then I believe we are opening up a situation that is going to be the cause of a lot of confusion as to what you can do without a super majority and what you can not do.

Again, I believe that we are elected by the people. We are responsive. We take our roles here very seriously I sincerely

agree with what the good Representative from Lewiston, Representative Gamache said about what the founders, both at the federal level and at the state level, felt with respect to this issue and they certainly felt that a majority was sufficient and adequate to deal with issues such as tax increases and I agree with that. So I sincerely hope that you would vote with the Majority "Ought Not to Pass" Report and stop this at this point. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Thank you Madam Speaker, Ladies and Gentlemen of the House. I guess it comes down to basically what you believe. Should we make it a little bit harder for us up here to raise taxes on the people back home? My answer to that would be yes. The past testimony of the people speaking said there were twelve states that now have a constitutional requirement, either a three-fifths or a two-thirds to raise taxes and that's true and one-third of all Americans in this country that live in a State with a tax limitation in their Constitution. Past Governor Pete Dupont testified before Congress on the Constitutional requirements in Delaware, to raise taxes, and he said in Delaware in the last 1970's Democrats and Republicans agreed it was time for a Constitutional Amendment limiting the ability of the Legislature to increase taxes without a super majority vote. The amendment was strongly supported by the general public and has operated successfully for sixteen years through three administrations and two political parties. Now Delaware has very good economic growth. Since 1980, the employment was up thirty-nine percent compared to twenty-nine percent in the rest of the nation. Unemployment rate had fallen by forty-nine percent, twice the national rate. A drop in AFDC caseloads are down approximately nineteen percent compared to a thirty-one percent increase nationally.

Now, when you look at all the other states you can pluck one or two out of the twelve that have this constitutional requirement to increase taxes and say, well, they're not doing that well economically. But when you look at all of them and you compare them with the growth and the size of the government and their increase in spending and the economic growth, the twelve states that have this constitutional requirement are doing much better than the rest of the states that don't have it. So, basically, you have to ask yourself the question, should we make it a little bit harder to raise taxes up here and my answer to that is yes, and I hope that you'll vote against the pending motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority "Ought Not to Pass" Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 112

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Bull, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Bunker, Cameron, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Driscoll, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque,

Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Poulin, Povich, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Brennan, Brooks, Campbell, Chartrand, Plowman. Yes, 73; No, 73; Absent, 5; Excused, 0.

73 having voted in the affirmative and 73 voted in the negative, with 5 being absent, the Majority "Ought Not to Pass" Report was not accepted.

Subsequently, the Minority "Ought to Pass" as amended Report was accepted.

On motion of Representative SHANNON of Lewiston, the House reconsidered its action whereby the Minority "Ought to Pass" as amended Report was accepted.

The same Representative requested a roll call on the motion to accept the Minority "Ought to Pass" as amended Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, now that we're on a different motion, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative DONNELLY: To anyone on the Taxation Committee, now that we're voting for an affirmative motion to implement a change to the Constitution could someone explain what the bill does?

The SPEAKER: The Representative from Presque Isle, Representative Donnelly has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Thank you Madam Speaker, Ladies and Gentlemen of the House. The amendment on the Minority Report, it deletes the fees from it and includes just taxes so it would be three-fifths vote in both Houses for the tax part, an increase in taxes, not fees.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Gagnon.

Representative GAGNON: Madam Speaker, I was frankly surprised at the outcome of the last vote. I think there was an issue that we didn't talk about and that is the impact on the property tax that such a bill would have. Keep in mind that if such an amendment were to pass that would require a super majority of both bodies, that rule would not apply at the municipal level for property taxes. Those people who are concerned about the property tax, this just adds more burden to the property tax. We've already seen the instability of what's going on in our tax system right now, with a great reliance on the property tax, and what we're hearing on the property relief across the state. Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. We just heard of red herring, pink elephant, all the other things we're talking about, that property tax issue is a problem. It's not an issue that we talk about here. We can still provide property tax relief through our state budget. This in no way has any impact on that. What it does have an impact on is how we work together to decide what is an acceptable level of state taxes, which is the only thing we really have the authority to vote on. There is a home rule provision in the constitution that separates what municipalities do from what

we do here. They have their own authority. So what we will be voting on here is, do we set a higher threshold or a higher level of cooperation, collaboration, consideration, when we're raising taxes on the people of the state?

In my four terms here there have been many small tax issues. There has only been one enormous bill that passed and that passed under considerable duress in a time when the economy was fragile and in trouble in the State of Maine, and it was a collaborative effort, because it was part of the state budget and required a two-thirds vote at that time. So, what we're looking at here is actually lowering the threshold so that you can vote on that tax separately from a budget which may, depending on if you vote before or after April 1st as we've learned this year. If you vote to set that higher threshold it's actually a lower threshold than the two-thirds required for an emergency bill, but it sets it slightly higher so that it requires some collaboration and cooperation amongst, be they democrats, republicans or independents and I hope that when we're talking about this bill we can separate the tax issues that we do have the authority to vote for or against here and those that other jurisdictions do. This would not in any way affect how the federal government does their tax issues either. As much as I'd like to tell them that they couldn't raise our federal income tax or other issues that they have to tax, this only deals with the jurisdiction of this Legislature and this state government and that is on the state sales tax, the state income tax and other state taxes. Not municipal property taxes and not federal income taxes and I just wanted to clarify that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House. Just briefly, to respond to the last speaker, Representative Donnelly, his comments. When it was mentioned that this has an effect on the property tax, I don't think it was intended that this would require any super majority at the local level. I think what the message was is that if we cannot, at certain times, increase the sales tax, increase the personal or cooperate income tax, then the burden is left on the property tax at the municipal level.

I come from a large municipality as many of you do. We know now the terrific burden on the property tax. When you look at the big three, sales, income and property, property is about forty-two percent in this State. It's growing. We're trying to do something about that by restricting the ability, at certain times, in a prudent and responsible manner, to increase the sales or income tax, we're increasing the burden on property tax whether we like it or not, and I think that's the connection we're talking about here and I would just ask you to carefully consider that, as you vote for this, and I would ask you to vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Thank you Madam Speaker, Ladies and Gentlemen of the House. Just once more, I'd like to remind you that this here is asking the people of the State of Maine to vote. This is to amend the constitution. We hear from the people that the tax burden is high out there. We've heard the Governor's concern on our tax that we have on each one of our citizens here in this state is highest, almost near highest, in the nation. We're trying to lower that, this is a real deliberative method when we go to raise taxes. So we're giving a chance for the people of the State of Maine to say how they would like us to determine whether we raise taxes or not. So I think that we've got to remember that it's the people of Maine that we're representing. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Minority "Ought to Pass" as amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 113

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Bunker, Cameron, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Poulin, Povich, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Bull, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

ABSENT - Brooks, Campbell, Chartrand.

Yes, 75; No, 73; Absent, 3; Excused, 0.

75 having voted in the affirmative and 73 voted in the negative, with 3 being absent, the Minority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-221) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, April 30, 1997.

Divided Report

Majority Report of the Committee on **Education and Cultural Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-229) on Bill "An Act to Establish a Tuition Rate for Education in the Unorganized Territory" (H.P. 360) (L.D. 505)

Signed:

Senators: PENDLETON of Cumberland

SMALL of Sagadahoc

CATHCART of Penobscot

Representatives: RICHARD of Madison

BARTH of Bethel

BRENNAN of Portland

BAKER of Bangor

BELANGER of Caribou

DESMOND of Mapleton

SKOGLUND of St. George

STEDMAN of Hartland

WATSON of Farmingdale

Minority Report of the same Committee reporting "**Ought Not to Pass**" on same Bill.

Signed:

Representative: McELROY of Unity

Was read.

On motion of Representative RICHARD of Madison the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-229) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, April 30, 1997.

Divided Report

Majority Report of the Committee on **Marine Resources** reporting "**Ought Not to Pass**" on Bill "An Act to Modify the Process for Aquaculture Leases" (H.P. 379) (L.D. 524)

Signed:

Senators: GOLDTHWAIT of Hancock
 PENDLETON of Cumberland
 MacKINNON of York

Representatives: ETNIER of Harpswell
 GOODWIN of Pembroke
 BAGLEY of Machias
 PIEH of Bremen
 PINKHAM of Lamoine
 VOLENIK of Brooklin
 LAYTON of Cherryfield
 HONEY of Boothbay
 PINKHAM of Brunswick

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-227) on same Bill.

Signed:

Representative: PERKINS of Penobscot
 Was read.

On motion of Representative ETNIER of Harpswell the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on **Appropriations and Financial Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-228) on Resolve, Authorizing the Maine Technical College to Achieve Cost Savings through the Lease-purchase of Facilities (EMERGENCY) (H.P. 444) (L.D. 594)

Signed:

Senators: MICHAUD of Penobscot
 CLEVELAND of Androscoggin
 Representatives: KERR of Old Orchard Beach
 LEMAIRE of Lewiston
 TOWNSEND of Portland
 STEVENS of Orono
 BERRY of Livermore
 POULIN of Oakland
 KNEELAND of Easton

Minority Report of the same Committee reporting "**Ought Not to Pass**" on same Resolve.

Signed:

Senator: BENNETT of Oxford
 Representatives: MARVIN of Cape Elizabeth
 WINSOR of Norway
 OTT of York

Was read.

Representative KERR of Old Orchard Beach moved that the House accept the Majority "**Ought to Pass**" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative WINSOR: Thank you Madam Speaker, Men and Women of the House. I would ask you to vote against the

pending motion and I would only ask you to consider a few things that I would like to talk about as you vote. When my leaders appointed me to the Appropriations Committee they suggested that I should look behind some of the things that were presented to me and that when I bring something up to the body I come up and I give people my sincere and honest evaluation of that situation and I think I've done that and while we may agree on some issues and disagree on others, what I hope everybody here will understand is that I'm completely sincere about my thoughts and my vote on all issues and this one in particular.

When this item came before us on the Appropriations Committee we were setting it and it essentially is a proposal to let the Technical College System exercise an option that they have on their current facility, it's to buy a building. Any building that they use for their headquarters or their main offices, the administrative offices, it's here in Augusta. It's a nice facility, it apparently meets their needs quite well. But during the proposal, the proposal that came before us called for purchase of a facility that contained a total of 19,000 square feet, now that may not mean very much to most people and it didn't come to me, but I was in the business of leasing space to people for offices and managing public buildings. So I listened to the presentation and it made a lot of sense and those people who know me know that I am a supporter of the Technical College System. I think it's a wonderful system, I think it does an outstanding job of training students in the area that we need to train them for and to progress into the next millennium. But I asked one simple question of the president when he was making the presentation, I said how many people are in your office and his reply to me was twenty-one. So I did a little bit of math and to give you an idea of how much space 19,000 square feet is you take the Senate Chamber and the Senate Gallery and the Senate President's Office, the Secretary of the Senate's office, Majority Office, the Senate Minority Office, the Legislative Post Office, this chamber, this gallery, the Speaker's Office, the Clerk's Office, the retiring room, the Minority Office, the Majority Office, the Legislative Document Room, the Legislative Council Chamber, the Executive Director and the Legislative Information Office, it comes to a little over 19,000 square feet. That's a lot of space for 21 people, I think. So I decided to question the proposal. On simple terms the proposal would allow the technical college to exercise the lease-to-purchase the building and they've computed out the cost, the difference of paying a mortgage payment, managing the building or versus leasing it over a period of time and those numbers allow the technical college to save about \$50,000 a year. It's very attractive. It's a kind of thing that we want to encourage our managers of public property and our managers of programs to do. You can run your program, save money you should do it, I think. And I'm reluctant to get into micro management, that is not my role, but unfortunately we had to vote on this, so I ask you to think about my vote and my criteria is that it's a good business decision and secondly this is good public policy. So the proposal I saw only makes financial sense if the technical college does two things. First thing it does it has to acknowledge that it doesn't need 19,000 square feet and it doesn't. It is agreed to that as we got into this the proposal changed a little bit. So what they propose to do now is lease some of the space. Well that makes sense, they become a landlord. Now a question I have to ask myself and I'm asking you to ask yourself is whether it is good public policy, good public policy for an agency of the state government to rent space in the City of Augusta to other people. Should we be a landlord? I don't think so. The second thing that they do, if they're buying this building, is they remove a taxable piece of real estate from the City of Augusta's tax roll. This isn't a piece of land that we own already or a piece of land that we're going to

build a building on. It's a building that is currently taxed by the City of Augusta for the services that it receives.

Now, the current tax bill is around \$15,800 I'm told because they've done some improvements in the building, now upwards of 24, but regardless of that, it's still a function that's not built into the cost. So consider that. That's the public policy issue for me. To give you an idea of the current design standards, if you were going to build a building, to house an office of 21 lawyers, that's assuming that there are 21 lawyers, current design standards require, with the law library, all the support space, secretaries and so on, conference room, would be about 11,000 square feet. The technical college does not have 21 executives over there. They do propose now to bring in some satellite operations, those have been undefined.

So, looking at this information and also looking at the lease, which I have a copy of if anybody wishes to see it, the option remains for the next ten years or nine years in the lease. So, anytime during the next nine years they can exercise this option. The question is if it was my business and I was running it what I'd be doing is I would be renegotiating my lease, I wouldn't be leasing as much space and I would perhaps be looking to design it in such a way that I could use the space more effectively and efficiently. That said, I think that there are a number of other incidents going on with state facilities here in Augusta. In my real honest judgment that there's no need to do this today, that the building is there the lease is in correct and that if we wait until the administration can review all of the space needs in the State of Maine that are in Augusta and we can see if we can backfill some of this space, maybe allow a better building, a better location for the technical college. There always is a real and sincere and serious consideration and I think it's just very important that, as you vote, you think about those. Should the State of Maine be in the landlord business? Should we be taking additional buildings off the tax role? Should we be leasing more space than we need? And with that, I thank you for your attention and I ask you for your vote.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. I think it is important that you understand what the concept of this bill does. As the good Representative from Norway Representative Winsor described that what this bill does it gives the authority to the Technical College System to lease-purchase space that they currently and have been using for the past eight years. That is approximately the 1,900 square feet for this total parcel of land which is almost an acre of land. These are two separate buildings, one is being leased currently and it is occupied generating about \$20,000. That's 1,750 square feet of that 1,900. Two separate structures. The other aspect of that, if you're going to consolidate now we're remaining one structure of 17,000 square feet, of that, not all of that is usable. There is a cellar there. It's a three story building. So when we're looking at this space, there's approximately 4,000 square feet that is not occupied. And, as you know, the technical colleges do rent space down in Southern Maine where career advantage and our legal counsels are located and we have urged state government over the last four years to consolidate. That 4,000 square feet would be adequate if, in fact, the Technical College System chooses. Again, this only authorizes them to purchase this property, it doesn't tell them. If, in fact, they consolidate and bring the other two, the career advantage and their legal counsel into this space, that's a business decision that they'll make and if, in fact, that does happen the areas where they are leasing that will generate more savings.

We talk about standing up here and whether or not this is a business decision, I concur with that and I hope that that's why

you vote today based on a business decision that you make if you had to make this decision in your business and I'm going to explain to you how that \$1,232,000 for this acre of land was derived. They looked and took the cost approach in evaluating what the value of this property was. They also looked at the direct sales comparison approach and also the income approach, money that is derived from this parcel of land and they took that average as it was reported to our committee and verified later, the individual that owns this property was in no eager rush to sell it because he's generating \$150,000 rent from the Technical College System and they've been there eight years and they know this structure. A few years ago, there was an expenditure close to a half million dollars for an addition to put on to this new structure, so it meets all the current federal codes on the new addition. So, to me, you have to look at the benefit side. Is it advantageous for an instrumentality of the state, meaning the technical college to purchase a piece of property where they can generate and save money? A conservative figure is the \$50,000 mark. You have to look at and analyze those benefits. I'm going to share some of those benefits so you'll get the entire picture of what you're voting on. The \$50,000 annual savings in operations and if you look at that over the next nine years that are left on that lease that's \$450,000 worth of savings at current occupancy, nothing else is done. Is that a bad deal? Not in my estimation. Lease-purchase is part of the systems effort to save money and improve cost efficiencies. It also provides space for potential consolidation. As I said to you earlier, if they decide to consolidate the legal and career advantage and bring them from southern Maine over here to Augusta, that's reasonable. If they choose to rent the space out and be able to garner more money, so be it. Instead of paying rent, you're acquiring a capital investment of \$1,232,000 and in that report that Representative Winsor shared with the House the replacement cost of this structure is over \$3,000,000. This location which is just down the street on State Street also has parking, something that's a rarity around Augusta, there's over 50 parking spots. So in making your decision, and I hope it is that business decision that I want you to make because I truly believe that you'll be supporting the Majority Report because it does save the technical college \$50,000 a year over the next nine years because they do have a ten year lease which amounts to \$450,000, that's a conservative figure only dealing with occupied space that's currently available. And what better day to be voting on this document on this bill. As we heard earlier from the good Representative from South Portland as he eloquently spoke, Representative Cianchette about the 50th anniversary of the Southern Maine Technical College System.

I believe this is a prudent decision for the technical college and for the State of Maine and I urge your support on LD 594.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Thank you Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I stand today and speak in opposition to this bill at the possibility that I may be chastised from my friends in the Technical College System and at the possibility that we may have some real tension filled Christmas with my Uncle Wayne who's up in the balcony. But, to me this is not a Technical College System bill necessarily. I stand today as the Representative from Augusta saying that enough is enough. Again, we're talking about taking some property off our tax roll. Just last year we took off \$3,000 when the private home became the home of the Maine Judicial Court, not necessarily a bad idea, but that's \$3,000 and then \$3,000 and \$3,000 and we're getting socked here in Augusta.

I raised some other questions and I may sound a little unprepared because the Augusta delegation, and I speak for the

entire delegation, was not consulted about this bill. Senator Daggett was quite dismayed when she was sitting in the Appropriations Room waiting for a hearing on her bill and then this came up. So there are some questions that we still have. One is, let's assume that this sale does go through. Would the Technical College System be paying property taxes on the full value of the purchase at the assessed value? The assessed value I understand is \$750,000 and a recent Marcot decision requires taxes on the entire property to be paid if any portion of the property is leased out. It appears to me that the Technical College System will be leasing out portions of this property and then are they then required to pay the \$24,000 in taxes. Those of us in Augusta would like to see that but is that \$24,000 included in this so-called \$50,000 savings? Also, who would be responsible for managing the property? I am somewhat familiar with real estate, the real estate field and commercial real estate and I know that it takes a lot to manage commercial property and I don't believe that this cost was figured into the property. So I don't know that the conservative figure of \$50,000 is necessarily true.

I would ask you to look at these questions real carefully and also I understand that the current lease is lease-purchase option and if we kill this this year we have time to look at it they still can bring this up for the next nine years. I would ask your support on this.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Marvin.

Representative MARVIN: Thank you Madam Speaker, Ladies and Gentlemen of the House. I'm a big fan of the Technical College System but I'm also a big fan of good government. I take very seriously my job as a citizen legislator and I believe the real strength of a citizen's legislature is that each person brings a certain expertise to the game and we all share our knowledge.

For those of you who don't know, my job when I'm not here is that I manage real estate. As long as I've been in the Legislature I've been an outspoken critic of the way the State of Maine manages their real estate portfolio or perhaps I should say doesn't manage their real estate portfolio. I would remind you that a few years ago we bought the Oakgrove-Coburn School for \$3,000,000 we were going to build a criminal justice academy there. We've never used it, today it's for sale for \$425,000.

Currently, the architectural firm of SMRT in Portland is undertaking an exhaustive survey of what properties are state-owned and leased and how they can best be used. They expect to have the project done in August. It, therefore, makes no sense to me whatsoever that we would be thinking of adding any buildings to the State's role. In my own business, I certainly wouldn't do it, and I would not spend the taxpayers hard-earned money this way, either.

Only in state government would we say we're achieving cost savings by buying a building it may not need. I urge you to vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. Let's be clear. We're not building a real estate portfolio for state government. The Technical College System has been looking for over two years to find space. They have worked hand in hand with this administration. They, first of all, couldn't find space to meet their needs and when they did find satisfactory space the rent was two dollars more a square foot leasing it from the State.

I believe that there's an advantage to the City of Augusta, by having the State House and state facilities here. I don't look at it as being a burden on the property tax. I know that your

communities and my communities would cherish to have the economic impact from having state facilities. So, even, if in fact, the City of Augusta was not going to get property tax, I think that the benefits, the ripple effects are just as vital to the economy of Augusta. As I said earlier, for two years the Technical College System has been trying to either find another location before they signed this lease agreement and it is for the next ten years they have about nine years left on this lease. What this bill does, should in fact in August, should the State decide or come up with available space, which as I've said earlier has been two years and they have been unable to find that space, this bill only authorizes the Technical College System to lease-purchase its current office space. If this bill is passed today it doesn't mean tomorrow they're going to go out and purchase it. It's their option and I hope you keep that in mind when you cast your vote. Madam Speaker, when the vote is taken I request a Roll Call.

The same Representative requested a roll call on his motion to accept the Majority "**Ought to Pass**" as amended Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Thank you Madam Speaker. I would like to speak in favor of this motion and refer to some of the remarks that have been made. I could not understand everything that Representative Winsor was saying, sometimes it's difficult to hear, but I think he was talking about the number of secretaries and people employed in the building and the square footage for each one and the amount. I didn't hear him say that there is a large meeting room in that building and that would not be classified as secretarial space. This meeting room is very important in that when the Board of Trustees of the Technical Colleges meet here in Augusta, they can meet right there in that building, they do not have to rent space at a motel or some other place which they would have to do, which they used to do before they had the opportunity to have this building. I think he also referred to the Technical Colleges as being an agency of state government. I do not believe the Technical Colleges are an agency of state government, and it was referred by Representative Kerr that if the technical colleges were to rent space whenever the state government does get through with its research to see what space might be available that they would have to pay two dollars a square foot more to rent than it will cost them to buy this piece of property. This is something that could be over and done with if we leave it until next year. The building is for sale and if the technical college doesn't buy it it's very likely somebody else could and we know that there is excellent parking there and, as was referred to before, there are not many meeting buildings in Augusta where you have ample parking for those who are meeting there.

I would urge you to support this as it is a good business set up.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Muse.

Representative MUSE: Thank you Madam Speaker, Men and Women of the House. I stand today to support this bill at the risk of causing friction between my seatmate Representative O'Brien from Augusta. I have to take exception when I hear a statement enough is enough. I don't believe that after everything we've all listened to, that the majority of members of this body expressed during our budget hearings, overconcern for the state's educational system and the outcry, the pouring out of emotion that we all expressed such dire concern over the state's educational system.

This is an opportunity, and now is the time to step up and express that by pushing the right button, and I would urge everyone to support this.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative WINSOR: Thank you very much Madam Speaker. I have just a couple of small items to clarify. I apologize if sometimes I confuse the instrumentality of the State. However, I think the technical colleges are supported by State tax money and therefore, I am concerned about what they do with that money and it is in that light that I spoke.

The business decision here is a simple one from my point of view. Can we structure that facility or can the Technical College System operate at their performance or the same as if they'd bought the building and assuming all their numbers are correct I think they can. As a simple way of looking at it, I guess I would simply ask you this. Current contemporary designs standards for offices, including space for meeting rooms, libraries, conference rooms would indicate that if you did the numbers and worked it out, their current operation as it's currently configured with 21 people over there, would need somewhere around 6,000 square feet. Now 6,000 square feet may not be much to most people. I've included in my worst case or best estimate that they're going to expand and consolidate, bring more people in, if they do that maybe they need 10,000 square feet or 11. If they simply renegotiate their lease and brought themselves down to that number of square feet they would affect exactly the same cost savings in their daily operations as they do now. This is not a vote against the Technical College System, I don't believe. So as you vote just think, could you take 10,000 square feet, let's stick it out, this chamber, this building, the gallery above us, the Speaker's Office, the Clerk's Office, the retiring room, Majority Office, Minority Office and the Document Room amount to about the space, I think that 21 people working in an office environment with private offices, a conference room would need. I think you could lay it out and design it quite nicely, it would be a comfortable place to work.

The building itself is a nice building and the other thing that everybody has to understand that the technical college rented the front of the building, the existing building, the old part up until, I think, a year ago, then the sole source, what they did was competitive bidding, built a new wing to their specifications, made a deal with the landlord. My other question would be if you put out a request for proposals, which is the way I think state government should do business, clearly stating their space needs, what would come out of the creativity of the private sector in this area. I think there would be other options. This was never done, never been considered and I think it's bad and poor public policy to buy things without competitive bidding. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Thank you Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Just a few more minutes as we close this discussion. Again, I'd like to reiterate the point, this is not an anti-technical college bill this is a decision of do we want the technical college in the commercial real estate management landlord business and I don't think so. The comment was made also that there's not a lot of property here in Augusta that can be rented, we have a beautiful old building right across the river, AMHI that looks like it's going to be empty soon. I think we could look at that space. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Lemaire.

Representative LEMAIRE: Madam Speaker, thank you. Men and Women of the House. I think it's important to remember in this conversation that this is a unique piece of property for the

technical colleges. They did a search for two years, they've leased space, which is saving the state money. They're looking to bring in the Career Advantage and the Legal Group into which is part of their college, which would also be a cost saving because they'd be moving from Portland up to Augusta. I don't think they did this frivolously. I think they looked at the building, I think they found that it was in good condition, it met their needs and that's why they do it and frankly, I think it is good public policy. The public sector does this all the time, they lease space, they own buildings. I think it's cost effective and I think all of us should look, what is the savings for the State of Maine. If they have just \$50,000, not including the amount of money that they very well could save for bringing in the other two groups from Portland, they could use on capital improvement, they could use on maintenance and they won't be coming back to the General Fund for money. I think it's a good idea and I hope you're in support of the "Ought to Pass".

The SPEAKER: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Thank you Madam Speaker. Madam Speaker, Men and Women of the House. I think the issue here, for me, is just what's been raised here with the previous speakers. The \$50,000 being touted as the savings that the technical college would realize if they would be able to purchase this building rather than be a tenant and I'm not sure that we have fully addressed that issue.

First of all, it's possible even though that may of been considered in netting out the potential savings, I think one, when they become the owner of a building really never begin to know exactly what those maintenance costs are going to be and in my view looking at the building and seeing that it is in part new and part of a renovation of an older structure, there can be a number of undiscovered hidden costs that might come up during the tenure that the state would own that building that would eat into that \$50,000 savings that we're supposedly going to realize.

What I saw when I viewed the building and toured the facility were rooms that were not serviced with a central service air conditioning equipment, there were rooms which still are operating and probably, without a major renovation, would still have to in the future operate with window air conditioners. I'm not exactly sure, at least I haven't been convinced that the building is totally handicap accessible and their may be future costs with respect to bringing the building up to code if we're to maintain that as a state building.

I think where I came down being on the Minority Report is what's been eluded to by previous speakers and that is the view that we might have as a Legislature and the overall policy of which buildings, which facilities the state should become tenants and which buildings/facilities the state should be the owner and I believe that it should be more of an overall general policy that we would be developing as time goes on and after this study has been submitted to determine exactly what we want to do with future acquisitions. I'm not entirely convinced that even though this would aid the immediate problems that the technical college foresees that it would be good for state policy as a general manner of owning buildings. I just want to, I think, make one correction that I think has been made about whether or not this would impact the technical college on a permanent basis. This is not something that has to be exercised, Representative Kerr said that we're only looking at this bill with the view of giving the technical college the option of purchasing, but I believe it was also stated that it might be some other potential purchase that might deprive the technical college of exercising this option and my reading of the lease that is not correct. The technical college has, I think, a ten year term remaining and the option to be

purchased can be exercised at any time during that term. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative KERR: Madam Speaker, Men and Women of the House. Lets not lose sight of what this bill does. Again, I'll repeat, this resolve authorizes the technical college system to lease-purchase this property. Should, in August, the state come up and after their studies they find a site there's nothing that would prohibit the technical college from taking advantage of that.

What I'd like to do is just give you some cold hard facts on this rent option. Currently, the annual rent is \$150,000 a year for the space that is now available. Under the lease-purchase, the utilities and building maintenance have been taken into consideration, so we're still netting in a conservative figure, the \$50,000. If you take that \$150,000 that annual rental payment and factor a number in for inflation and we'll use the one percent or one and a half percent figure, the total expenditure over a 20 year period of time would be somewhere about \$3.4 million. If you take that same scenario and you run it and use the lease-purchase option at the cost of \$1,250,000 and include the interest over that 20 year period of time, which would amount to somewhere around \$730,000 and that's using an interest rate of about five and a half percent. Over that same 20 year period of time you're looking at about a little over \$1.9 million. The difference between those two numbers is somewhere about \$1.5 million. So over that 20 year period of time those savings begin to mount. So I would urge your support for the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Thank you Madam Speaker, Men and Women of the House. Before I get into my thoughts on this particular issue, I just want to share with you a little bit about my background. I've been in construction and development for 25 years. Still battling with some of those 80s development projects and know what kind of mess some people can get into. I'm also a past member of the technical college board. As a trustee and this is my third term here, therefore, five years ago and even further six years ago the board had an interest in getting the cost of space under control. We were looking at different options. I remember visiting with the system administration several sites in Augusta and found that there has been a concerted search to find an alternative to this lease option. When I learned just recently about this bill, I was asked to come down and look at the space, analyze the numbers and came up with a conclusion based on both my experience as a developer and as a trustee.

When I was a trustee I was concerned about the \$100,000 annual lease. When I visited and reviewed the numbers I was more concerned about the \$150,000 annual lease. Do I think that the Technical College System should be in the real estate business? No, but my conclusion to this is this is a program that will save the Technical College System money over time, starting in the first year, it does improve their present status and we as a legislature don't vow to micromanage the University System and other departments. Therefore, I don't feel it's our responsibility to tell the technical college whether or not they should be in the leasing business. I don't feel that we had input on getting them into this lease, I don't totally agree with the lease, I don't feel we should input in telling them whether they should own a building. So, I'm looking at this from my experience as a developer,

contractor, board member, as improving the present situation. I don't agree with the present situation, I certainly respect Representative Winsor, Representative Ginn Marvin and others with development experience. Is this the deal that I would agree to as a independent developer? Possibly not, but I expect the Technical College System to be in the education business not in the development business. This will terminate the cost of this building other than their annual maintenance costs in 15 or 20 year term of buying the building. So it does improve the situation. I again find myself at odds with my fine seatmates, the majority of the republican members on Appropriations, but I would recommend that we go with this and support the measure. Thank you

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority "Ought to Pass" as amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 114

YEA - Ahearn, Bagley, Baker CL, Baker JL, Barth, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Bruno, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chick, Chizmar, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Joy, Kane, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Lemaire, Lemont, Mack, Mailhot, Mayo, McAlevey, McKee, Mitchell JE, Morgan, Murphy, Muse, O'Neal, O'Neil, Paul, Pendleton, Perkins, Perry, Pih, Pinkham RG, Plowman, Poulin, Povich, Powers, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Thompson, Tobin, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Wright.

NAY - Buck, Cianchette, Cross, Foster, Gieringer, Goodwin, Gooley, Jones SA, Joyce, Joyner, Kasprzak, Layton, Lindahl, Lovett, MacDougall, Marvin, McElroy, Meres, Nass, Nickerson, O'Brien, Ott, Peavey, Pinkham WD, Snowe-Mello, Stedman, Taylor, Treadwell, Underwood, Vedral, Waterhouse, Winsor.

ABSENT - Belanger DJ, Brooks, Chartrand, Lemke, Madore, Quint, True, Madam Speaker.

Yes, 111; No, 32; Absent, 8; Excused, 0.

111 having voted in the affirmative and 32 voted in the negative, with 8 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-228) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, April 30, 1997.

By unanimous consent, all matters having been acted upon were ordered sent forthwith with the exception of matters being held.

The Chair laid before the House the following item which was tabled earlier in today's session:

Expression of Legislative Sentiment recognizing Donna Bell Lisnik (HLS 360) which was tabled by Representative DONNELLY of Presque Isle pending passage.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Thank you Madam Speaker, Men and Women of the House. As Chair of the Aroostook County delegation on Aroostook County Day to be honoring one

of those people who is an outstanding educator, recognized nationally by several organizations and actually I mistakenly flipped on a TV program one time and there was Donna Lisnik on there talking about the special math class that she developed and had become a national example of how to improve math skills for young women. We have with us today a former Representative of this chamber, Presque Isle, District 143 who is the spouse of this successful teacher and while we didn't have the opportunity to have Donna here we know that John is in constant communication with Donna and will pass along our round of applause and I'm sure he's very proud to be the spouse of a successful teacher. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mapleton, Representative Desmond.

Representative DESMOND: Thank you Madam Speaker, Men and Women of the House. Congratulations are certainly in order for Donna Lisnik, a teacher in MSAD 1. This is not the first time she has received honors for being an exceptional innovative math teacher. Mapleton and Castle Hill students are at the Presque Isle High School and have benefited from her program. I am especially proud of both Donna and her husband John, who is a former Grade 5 student of mine and I'm sure this is relevant to Donna's success. Congratulations.

Was read and passed and sent up for concurrence.

Divided Report

Majority Report of the Committee on **Taxation** reporting "**Ought Not to Pass**" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Tax Relief for Maine Senior Citizens (H.P. 733) (L.D. 997)

Signed:

Senators: RUHLIN of Penobscot

MILLS of Somerset

DAGGETT of Kennebec

Representatives: GAGNON of Waterville

TRIPP of Topsham

GREEN of Monmouth

SPEAR of Nobleboro

CIANCHETTE of South Portland

MORGAN of South Portland

ROWE of Portland

LEMONT of Kittery

TUTTLE of Sanford

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-222) on same RESOLUTION.

Signed:

Representative: BUCK of Yarmouth

Was read.

Representative TRIPP of Topsham moved that the House accept the Majority "**Ought Not to Pass**" Report.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tripp.

Representative TRIPP: Thank you Madam Speaker, Men and Women of the House. This is another Constitutional Amendment question. This one happens to have a twelve to one report, as you notice on page nine and ten of your calendar. This Constitutional Resolution allows property taxes on certain homesteads to be effectively frozen at the prevailing rate, provided that property owner is a Maine resident who is 65 years of age or older, occupies the homestead property and meets certain income criteria. Although there is no impact on state revenues, there will be a big impact on local property tax revenues, since these people would be taken off that role. The fifty-fifty replacement when we take revenues away from a

municipality does not come into play here because this is a Constitutional Amendment and the only way that it would be added would be by this legislature and an amendment. This would go to referendum and again the cost would be up to \$95,000 to be placed on the ballot. When the vote is taken I would ask for the yeas and nays.

The same Representative requested a roll call on his motion to accept the Majority "**Ought Not to Pass**" Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Thank Madam Speaker, Men and Women of the House. I ask you to defeat the pending motion. This resolution is a referendum, it goes before the people of the State of Maine to decide whether they think it's appropriate that senior citizens, within the income ranges as prescribed by the federal poverty level, should be allowed to remain in their homes and not be literally packed out of the homes they've lived in for most of their adult lives.

It's a lot easier for a senior citizen to stay in their home than to relocate to an apartment. It's a lot easier for the family in the same area. But most of all it gives them the ability to stay in the familiar surroundings. Now this doesn't take the property off of the property tax roll, this says that if the 65 year old senior citizen falls within the poverty range as set by the feds, that their property tax bill which might be \$2,100 this year will be \$2,100 next year and \$2,100 the year after. So that when their income is most likely to become fixed at 65 so does their property tax.

Other states actually remove people from the tax rolls at 65. My grandmother is 85, she hasn't paid property taxes in 20 years. That's enabled her to stay in her little white ranch and pay her light bill and live comfortably without going to a nursing home or an assisted living facility or even into HUD housing, which is where my constituents end up going in to. It's a shame that while we recognize that the incomes become fixed that we can't look at what a community can do for senior citizens and I really think that if this was on the ballot people would think long and hard about the senior citizens in their area and think long and hard about providing them the opportunity to stay in their homes for the same taxes, remembering that they use less and less of the services as they grow older, they actually use less services and it's not going to be a huge tax bite if you're freezing their taxes rather than eliminating them all together.

I really wish you would put this out for the people to vote on and I'd appreciate it if you would defeat the pending motion.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Thank you Madam Speaker, Colleagues of the House. This looks to me like a tremendously good bill and it sounds just like the bill that people back my way are constantly calling for. I'm a little confused at the disparity and the difference in the committee report here. I don't quite understand it. I've heard a few things against it, one that it costs \$95,000 to put out for the people, but you can't keep using that for every one because it's just the first one that costs that much. I understand it's only about \$6,000 after that and I believe I heard that it would cost the towns a lot, but the towns back my way, the budget, most of the property taxes in our town anyway, about 85 percent goes to the school and that budget is set by the school committee and they have a great discretion in what that's going to be. So I'm a little confused why this bill is so unpopular in the committee. Would somebody please tell me.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Thank you Madam Speaker, Ladies and Gentlemen of the House. This is an example of when you take a bill out of committee by yourself because you're looking at the legislation with your heart instead of your head, something none of us ever should do. I regret bringing this out. The concept is socialistic. It is not in keeping, with me, to bring any kind of legislation like this out. I do agree that we have a problem with the elderly folks and their taxes, but this is not the bill to address that issue. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority "Ought Not to Pass" Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 115

YEA - Ahearne, Bagley, Baker CL, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Bruno, Buck, Bull, Bumps, Bunker, Cameron, Carleton, Chick, Chizmar, Cianchette, Clark, Colwell, Cowger, Cross, Davidson, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Joy, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, Mailhot, Marvin, Mayo, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Neal, Ott, Paul, Pendleton, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rowe, Samsom, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Skoglund, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, Tuttle, Usher, Vedral, Vigue, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winn, Winsor, Wright, Madam Speaker.

NAY - Baker JL, Bodwell, Bragdon, Campbell, Clukey, Desmond, Dexter, Foster, Gerry, Honey, Jones SA, Kasprzak, Lane, MacDougall, Mack, McAlevey, O'Brien, O'Neil, Peavey, Perkins, Pinkham RG, Pinkham WD, Plowman, Rines, Sirois, Snowe-Mello, Underwood.

ABSENT - Barth, Belanger DJ, Brooks, Chartrand, Madore, True, Volenik, Winglass.

Yes, 116; No, 27; Absent, 8; Excused, 0.

116 having voted in the affirmative and 27 voted in the negative, with 8 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on **Marine Resources** reporting "Ought Not to Pass" on Resolve, to Require the Governor to Provide for Ballast Water Management Planning (H.P. 885) (L.D. 1202)

Signed:

Senators: GOLDTHWAIT of Hancock
 PENDLETON of Cumberland
 MacKINNON of York

Representatives: ETNIER of Harpswell
 PERKINS of Penobscot
 BAGLEY of Machias
 PIEH of Bremen
 PINKHAM of Lamoine
 LAYTON of Cherryfield
 HONEY of Boothbay
 PINKHAM of Brunswick

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-226) on same Resolve.

Signed:

Representatives: GOODWIN of Pembroke
 VOLENIK of Brooklin

Was read.

Representative ETNIER of Harpswell moved that the House accept the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending his motion to accept the Majority "Ought Not to Pass" Report and specially assigned for Wednesday, April 30, 1997.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 459) (L.D. 1431) Resolve, to Establish the Sister State Program Committee on **Business and Economic Development** reporting "Ought to Pass"

(S.P. 49) (L.D. 159) Bill "An Act to Clarify the Parity Provision in Maine Banking Law" (EMERGENCY) Committee on **Banking and Insurance** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-116)

(S.P. 223) (L.D. 682) Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on **Taxation** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-118)

(H.P. 751) (L.D. 1028) Bill "An Act to Amend the Maine Probate Code" Committee on **Judiciary** reporting "Ought to Pass"

(H.P. 776) (L.D. 1053) Bill "An Act to Implement the Recommendations of the Family Law Advisory Commission Concerning Parental Rights and Responsibilities" Committee on **Judiciary** reporting "Ought to Pass"

(H.P. 72) (L.D. 97) Bill "An Act Concerning the Taxation of Manufactured Homes That Are Stock-in-trade" Committee on **Taxation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-244)

(H.P. 211) (L.D. 275) Bill "An Act to Allow Property Tax Credit to Lessees of Motor Vehicles" Committee on **Taxation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-242)

(H.P. 228) (L.D. 292) Bill "An Act to Modify Waiver of a Defense in the Criminal Law" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-254)

(H.P. 253) (L.D. 317) Bill "An Act Relating to the State Valuation of the Town of Corinna" (EMERGENCY) Committee on **Taxation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-245)

(H.P. 312) (L.D. 434) Bill "An Act to Amend the Veteran's Estate Tax Exemption" Committee on **Taxation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-243)

(H.P. 502) (L.D. 693) Bill "An Act to Amend Procedures Relating to Extradition Proceedings" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-255)

(H.P. 584) (L.D. 775) Bill "An Act Concerning Applied Aquaculture Research in the Coastal Waters of the State" Committee on **Marine Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-249)

(H.P. 687) (L.D. 951) Bill "An Act to Require that Fish Raised in an Area Subject to a Lease Agreement with the Department of Marine Resources Be Processed in the United States"

Committee on **Marine Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-251)

(H.P. 1095) (L.D. 1538) Bill "An Act to Promote Adult Education" Committee on **Education and Cultural Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-246)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, April 30, 1997 under the listing of Second Day.

CONSENT CALENDAR
Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 236) (L.D. 805) Bill "An Act to Create the Oquossoc Standard Water District" (EMERGENCY) (C. "A" S-112)

(S.P. 351) (L.D. 1170) Bill "An Act to Amend Department of Defense and Veterans' Affairs Laws" (C. "A" S-114)

(H.P. 511) (L.D. 702) Bill "An Act to Amend the Penobscot County Budget Committee Process"

(H.P. 795) (L.D. 1083) Bill "An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation"

(H.P. 960) (L.D. 1323) Bill "An Act to Remove the Sunset for the Employment of an Owner's Representative"

(H.P. 220) (L.D. 284) Bill "An Act to Continue the State's Dioxin Monitoring Program" (C. "A" H-225)

(H.P. 362) (L.D. 507) Bill "An Act Concerning Sea Urchin Management" (C. "A" H-233)

(H.P. 549) (L.D. 740) Bill "An Act to Permit the Temporary Removal of Gravestones from Cemeteries for the Purpose of Repair" (C. "A" H-224)

(H.P. 608) (L.D. 833) Bill "An Act to Amend the Charter of Foxcroft Academy" (C. "A" H-223)

(H.P. 681) (L.D. 933) Resolve, to Establish a Commission to Study Insurance Fraud (C. "A" H-238)

(H.P. 685) (L.D. 937) Bill "An Act Relating to the State's Deferred Compensation Plan" (C. "A" H-232)

(H.P. 794) (L.D. 1082) Bill "An Act to Ensure Fair Pricing for Consumers of Health Care Services under Managed Care Plans" (C. "A" H-236)

(H.P. 809) (L.D. 1097) Bill "An Act Regarding the Enforcement of the Motor Vehicle Laws" (C. "A" H-230)

(H.P. 823) (L.D. 1128) Bill "An Act to Transfer a Certain Parcel of Land from the Department of Conservation to the Department of Agriculture, Food and Rural Resources" (C. "A" H-220)

(H.P. 1062) (L.D. 1500) Bill "An Act to Increase Access to and Affordability of Mental Health Services" (C. "A" H-237)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

BILLS IN THE SECOND READING

Bill "An Act to Authorizing Shellfish Management Committees to Determine Fees for Clam Licenses" (H.P. 1292) (L.D. 1837)

Was reported by the Committee on **Bills in the Second Reading**, read the second time, passed to be engrossed and sent up for concurrence.

Bill "An Act to Require the Deputy Commissioner of Inland Fisheries and Wildlife to be Appointed by the Governor and Confirmed by the Senate" (H.P. 923) (L.D. 1266)

Was reported by the Committee on **Bills in the Second Reading** and read the second time.

On motion of Representative PAUL of Sanford, was set aside.

The same Representative moved that the Bill and all accompanying papers be indefinitely postponed.

On further motion of the same Representative, tabled pending his motion to indefinitely postpone the Bill and all accompanying papers and specially assigned for Wednesday, April 30, 1997.

Bill "An Act to Amend the Motor Vehicle Laws Regarding Proof of Financial Responsibility and to Increase the Required Minimum Amounts of Liability Insurance Coverage" (H.P. 138) (L.D. 180) (C. "A" H-218)

Was reported by the Committee on **Bills in the Second Reading** and read the second time.

On motion of Representative MAYO of Bath, was set aside.

The same Representative presented House Amendment "A" (H-258), which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Madam Speaker, Ladies and Gentlemen of the House. This amendment actually comes from the Banking and Insurance Committee. We had a similar bill to the bill that was before the Transportation Committee. It does two things. It adds a requirement that the minimum amounts of insurance for medical payments be obtained in order to operate a motor vehicle and it sets a date of July 1, 1998, which will give time for all of the insurance policies to catch up and be phased in. Thank you. I would urge its adoption.

House Amendment "A" (H-258) and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-218) and House Amendment "A" (H-258) in non-concurrence and sent up for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the Election of the Secretary of State in Statewide Elections (S.P. 122) (L.D. 401) (C. "A" S-73)

Was reported by the Committee on **Bills in the Second Reading** and read the second time.

On motion of Representative KONTOS of Windham, was set aside.

The same Representative requested a roll call on passage to be engrossed as amended.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be Engrossed as amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 116

YEA - Ahearne, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Fisk, Foster, Gerry, Gieringer, Goodwin, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Pendleton, Perkins, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear,

Stedman, Taylor, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Wheeler EM, Winsor.

NAY - Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Bruno, Bull, Bunker, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Layton, Lemaire, Mailhot, Mayo, McAlevey, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Peavey, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

ABSENT - Brooks, Chartrand, Madore, Plowman, True, Winglass.

Yes, 62; No, 83; Absent, 6; Excused, 0.

62 having voted in the affirmative and 83 voted in the negative, with 6 being absent, the Resolution failed of passage to be engrossed in non-concurrence and sent up for concurrence.

ENACTORS

Emergency Measure

An Act to Amend the Maine Health Data Organization Laws (S.P. 560) (L.D. 1693) (H. "A" H-206)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 42 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Concerning Reauthorization of the \$9,000,000 Bond Issue for Construction of Water Pollution Control Facilities (S.P. 191) (L.D. 609) (C. "A" S-104)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Thank you Madam Speaker. May I pose a question through the chair?

The SPEAKER: The Representative may pose his question.

Representative CAMPBELL: Yes, concerning this measure, is this, for anyone who might answer, is this measure on one facility, it says facilities, how many and how much will be distributed across the State, please?

The SPEAKER: The Representative from Holden, Representative Campbell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Thank you Madam Speaker, Men and Women of the House. May I pose an additional question?

The SPEAKER: The Representative may pose his question.

Representative DONNELLY: Is this part of an overall bond package that the Appropriations Committee has worked on that works with the 90 percent rule or is this an individual bond issue that may not have been considered in total by the committee?

The SPEAKER: The Representative from Presque Isle, Representative Donnelly has posed a question through the Chair

to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Madam Speaker, Men and Women of the House. We have not had any deliberations on the Governor's bond package yet. This was a bond, a separate bill that was introduced. I believe that we reduced the price tag and it covers the water construction, pollution facilities throughout the state. It's not just for one facility.

Representative KONTOS of Windham requested a roll call on final passage.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

On motion of Representative KONTOS of Windham, tabled pending final passage and specially assigned for Wednesday, April 30, 1997. (Roll Call ordered)

Emergency Mandate

An Act to Increase the Debt Limit of the Waldoboro Utility District (H.P. 683) (L.D. 935) (C. "A" H-178)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 10 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Fund Research Regarding the Reinstatement of a Meat Inspection Program (S.P. 50) (L.D. 160)

An Act to Provide for Long-range Revenue Forecasts (S.P. 62) (L.D. 172) (C. "A" S-105)

An Act to Establish a 30-day Temporary Sea Urchin and Scallop Diving Tender License (H.P. 252) (L.D. 316) (H. "A" H-205 to C. "A" H-192)

An Act to Streamline the Eviction Process (H.P. 262) (L.D. 326) (C. "A" H-190)

An Act to Change the Burden of Proof for Timber Trespass and Timber Theft Violations (S.P. 118) (L.D. 397) (C. "A" S-103)

An Act to Ensure Responsible Coordination of Medical Care under Managed Care (H.P. 401) (L.D. 546) (S. "A" S-113)

An Act to Increase the Number of High-stakes Beano Games (H.P. 426) (L.D. 576) (C. "A" H-146)

An Act Concerning the Importation of Marine Organisms That May Be Dangerous to Indigenous Marine Life or Its Environment (H.P. 501) (L.D. 692) (C. "A" H-193)

An Act to Increase the Department of Marine Resources' Involvement in Dredge Permitting (H.P. 595) (L.D. 786) (C. "A" H-194)

An Act to Clarify the Duties of the Office of the Public Advocate (S.P. 241) (L.D. 810) (C. "A" S-109)

An Act to Permit Teachers to Transfer Retirement System Creditable Service Earned as a Teacher's Aide while Employed by a School and Covered by a Participating Local District (H.P. 750) (L.D. 1027) (C. "A" H-177)

An Act to Enhance Live Animal and Embryo Exports From Maine (S.P. 355) (L.D. 1174) (C. "A" S-102)

An Act to Extend the Removal Deadline for Certain Repaired Concrete Underground Oil Storage Tanks (S.P. 395) (L.D. 1292) (C. "A" S-108)

Resolve, to Encourage Public Schools to Adopt a Conflict Resolution Model (H.P. 301) (L.D. 365) (C. "A" H-186)

Resolve, Directing the Office of Tourism and Community Development and the Maine Tourism Commission to Include Lewiston as Part of Southern or South-central Maine and

Directing the Maine Turnpike Authority to Change Turnpike Signs to Accurately Reflect Access to the Sunday River Ski Area by Way of Exits 11 and 12 (S.P. 315) (L.D. 1055) (C. "A" S-106)

Were reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, passed to be enacted or finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were ordered sent forthwith with the exception of matters being held.

The following item was taken up out of order by unanimous consent:

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was tabled and today assigned:

HOUSE REPORT - "**Ought to Pass**" as amended by Committee Amendment "A" (H-234) - Committee on **Marine Resources** on Bill "An Act to Eliminate the Need for a Retail Seafood License to Sell Prepared Seafood" (H.P. 920) (L.D. 1263)

TABLED - April 28, 1997 by Representative UNDERWOOD of Oxford.

PENDING - Acceptance of Committee Report.

Subsequently, the Committee Report was read by the Clerk and accepted.

The Bill was read once. Committee Amendment "A" (H-234) was read by the Clerk.

Representative UNDERWOOD of Oxford presented House Amendment "A" (H-259) to Committee Amendment "A" (H-234), which was read by the Clerk and adopted.

Committee Amendment "A" (H-234) as amended by House Amendment "A" (H-259) thereto was adopted.

The Bill was assigned for second reading Wednesday, April 30, 1997.

BILL HELD

An Act to Establish Maine as a Sponsor of the Women in Military Service for America Memorial in Arlington National Cemetery (H.P. 275) (L.D. 339) (C. "A" H-171)

- In House, Passed to be Enacted.

HELD at the Request of Representative SAXL of Portland.

On motion of Representative SAXL of Portland, the rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby the Bill was passed to be enacted.

On further motion of the same Representative, tabled pending passage to be enacted and specially assigned for Wednesday, April 30, 1997.

On motion of Representative CLARK of Millinocket, the House adjourned at 12:47 p.m., until 9:00 a.m., Wednesday, April 30, 1997 in honor and lasting tribute to Douglas Gould of Millinocket.